

**Maurice Holmes**

Federal Pretrial Detainees  
Nevada Southern Detention Center  
2190 East Mesquite Avenue  
**Pahrump, NV 89060**

*Pro Se*

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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\*\*\*

Maurice Holmes

*Plaintiff*

vs.

Laboratory Corporation of America,  
Family Support Division (Clark County, Nevada)

Lammie King

*Defendants(s)*

Case No.

2:23-cv-00024-MMD-DJA

CIVIL RIGHTS COMPLAINT  
PURSUANT TO  
42 U.S.C. § 1983

**Demand For Jury Trial**

**A. JURISDICTION**

This complaint alleges that the civil rights of Plaintiff, **Maurice Holmes** Pretrial Detainee who presently resides at **Nevada Southern Detention Center (NSDC)**, were violated by the actions of the below-named individuals that were directed against Plaintiff at **Nevada Southern Detention Center in Pahrump, Nevada** on the following dates:

For Count 1 – **November 7<sup>th</sup>, 2022** to Present; for Count 2 – **November 29<sup>th</sup>, 2022** to Present.

**DEFENDANTS**

1) Defendant ***Laboratory Corporation of America*** a private Corporation which is located at ***P.O. Box 2230, Burlington, NC 27216.***

This defendant is sued in their

X official capacity. (Check one or both.) Explain how this defendant was acting under color of State Law: They are Licensed to operate a clinic to preform ***DNA*** testing in the state of Las Vegas Nevada.

2) Defendant ***Family Support Division (Clark County, Nevada)*** a Government agency which is located at ***1900 East Flamingo Road Suite 100, Las Vegas, NV 89119-5168***

This defendant is sued in their

X official capacity. (Check one or both.) Explain how this defendant was acting under color of State law: They have a contract with the Federal Government to handle Municipal Family Services Legal Cases in the state of Las Vegas Nevada.

3) Defendant ***Lammie King***, at ***1900 East Flamingo Road Suite 100, Las Vegas, NV 89119-5168***, is a Federal Government employee.

This defendant is sued in its

X individual X official capacity. (Check one or both.) Explain how this defendant was acting under color of State law: He is a employee of the Federal Government agency the ***Family Support Division (Clark County, Nevada)*** that handles Municipal Family legal Cases

Jurisdiction is invoked pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(1)(3).  
If you wish to assert jurisdiction under different or additional statutes, list them below.  
28 U.S.C § 1331 and 28 U.S.C § 1332 (a)(c)(1)

**B. NATURE OF THE CASE**

On November 7<sup>th</sup>, 2022 Plaintiff was seen by Case worker **Lammie King** from the **Family Support Division (Clark County, Las Vegas Nevada)** whom was presiding over **Case No.: 320011004**. During this visit **Mr. King** possessed a **Lab Corp DNA** test kit to preform a bucca swab for Family Services.

Plaintiff was informed that there was more than one Child Support Case. **Mr. King** stated that it was not mandatory for plaintiff to *consent* to taking both tests if he did not feel comfortable. Plaintiff stated the he was not in-fact comfortable with taking both tests. Plaintiff informed Case worker **Mr. King** of his certainty of the Child listed in **Case No.: 320011004** being his and that he **100%** sure of the other child not being his.

**Mr. King** stated the plaintiff, by taking the test would be placed on the Childs (*his*) birth Certificate. Plaintiff thereafter gave *consent* to have One test and One test only taken. A swab was preformed. Plaintiff provided his finger print and his signature as required to complete the **DNA** kit.

On November 29<sup>th</sup> 2022 Plaintiff received the **DNA** test results and comes to find out that **Mr. King** knowingly and willingly duplicated the *consent form* and preformed a **DNA** test for the other child without plaintiffs consent clearly committing an act that constitutes a violation to the plaintiffs constitutional rights. Plausibility of *Forgery, Falsifying Documents* substantiates Culpability which are *Criminal Acts*.

On November 29<sup>th</sup> 2022 Plaintiff after having received the above mentioned test results was seen yet again by another **Lab Corp Representative** who attempted to preform another **DNA** test. Plaintiff refused this test and questioned the representative as to how the process was to take place for clarity. Plaintiff pose the question, “ *Do I need a Consent form for each child* ”? The lady representative stated that the policy requires for the process to be the same for each individual child an individual test kit, Swab, Finger Print and Signature. Plaintiff informed the lady that, **Mr. King** had used his consent form illegally on another case. The representative confirmed that **Mr. King** was *wrong* in doing so. Plaintiff then denied going through with the test.

**COUNT 1**

**The 14<sup>th</sup> and 4<sup>th</sup> Amendment Due Process Clauses that Guarantees Equal Protection and Protection Against Unreasonable Search and Seizure**

Defendant **Lammie King** from the **Family Support Division (Clark County, Las Vegas Nevada)** whom was presiding over **Case No.: 320011004** for Plaintiff **Maurice Holmes** in taking a **DNA** test on November 7<sup>th</sup> 2022 failed to follow employee policy and procedure and *Forged, Falsified Documents* in using a single signed consent form to preform two **DNA** tests for two separate children which constitutes a **14<sup>th</sup> and 4<sup>th</sup> Amendment Constitutional Violations**. **DNA** testing is search and seizure that must comply with standards of reasonableness imposed by **Fourth Amendment**. *Glover<sup>2</sup> v. Eastern Nebraska Community Office of Retardation*, 49 Empl. Prac. Dec. (CCH) ¶ 8765, 867 F.2d 461, 49 Empl. Prac. Dec. (CCH) P38765, 4 I.E.R. Cas. (BNA) 65 (8th Cir.), cert. denied, 51 Empl. Prac. Dec. (CCH) ¶ 9439, 493 U.S. 932, 110 S. Ct. 321, 107 L. Ed. 2d 311, 51 Empl. Prac. Dec. (CCH) P39439, 4 I.E.R. Cas. (BNA) 1504 (1989).

## COUNT 2

### **The 14<sup>th</sup> Amendment Due Process Clause Guarantees Equal Protection and Failure-to-Train Employee Properly**

Defendant *Family Support Division (Clark County, Las Vegas Nevada)* whom was presiding over *Case No.: 320011004* for Plaintiff *Maurice Holmes* failed to train employee *Mr. Lammie King* in the ways of how to preform a correct *DNA* test. On *November 7<sup>th</sup> 2022* a *Family Support Division (Clark County, Las Vegas Nevada)* employee *Mr. Lammie King* failed to follow employee policy and procedure while performing a *DNA* test.

## COUNT 3

### **The 14<sup>th</sup> Amendment due process to the U.S. Constitution, Failure-to-Follow Employee Policy and 4<sup>th</sup> Amendment Protection Against Unreasonable Search and Seizure**

Defendant *Laboratory Corporation of America* a private Corporation which is located at *P.O. Box 2230, Burlington, NC 27216* has a contract with the *Family Support Division (Clark County, Las Vegas Nevada)* to preform *DNA* testing to determine that blood relationship between child and father be established by clear and convincing evidence. Performing these tests by *State* and *Federal Law* it is required for the individual performing the test to follow a series of steps governed by policy and procedures not to be overlooked in doing so culpable plausibility applies.

Plaintiff states that, *Laboratory Corporation of America* involvement with the *Family Support Division (Clark County, Las Vegas Nevada)* to preform *DNA* testing to determine that blood relationship between child and father be established by clear and convincing evidence shows their direct involvement which in itself constitutes a *14<sup>th</sup> Amendment due process to the U.S. Constitution Violation*.

Defendants *Lammie King, Family Support Division (Clark County, Las Vegas Nevada)* and *Laboratory Corporation of America* have violated plaintiff *Maurice Holmes 4<sup>th</sup> and 5<sup>th</sup> Amendments to the U.S. Constitution* by way of not ensuring that Plaintiffs *due process and Search and Seizure* rights were Protected.

## IN CLOSING

Plaintiff Civil Liberties were clearly Violated in the acts of *Mr. King* a Representative of the *Family Support Division (Clark County, Las Vegas Nevada)*.

*See DNA* test is not mandated by *8 USCS § 1409(a)(1)*, which requires, for child born abroad out of wedlock to United States citizen father and alien mother to become United States citizen, that blood relationship between child and father be established by clear and convincing evidence; equal protection guarantee embedded in due process clause of Federal Constitution's *Fifth Amendment*, moreover, does not require that Congress elect one particular mechanism from among many possible methods of establishing paternity, even if that method arguably might be most scientifically advanced method, as, with respect to *§ 1409(a)(1)*, expense, reliability, and availability of *DNA* testing in various parts of world may have been of particular concern to Congress. *Tuan Anh Nguyen v. INS*, 533 U.S. 53, 121 S. Ct. 2053, 150 L. Ed. 2d 115, 14 Fla. L. Weekly Fed. S. 347, 2001 Cal. Daily Op. Service 4754, 2001 Colo. J. C.A.R. 2958, 2001 D.A.R. 5887 (2001).

Nevada Supreme Court ruled Nevada's implied consent law to be unconstitutional in Byars v. State, 130 Nev. 848, 336 P.3d 939 (2014).

**D. REQUEST FOR RELIEF**

I believe I am entitled to the following relief: ( \$ 4,250,000 Five Million Dollars )

(1) **Trial by jury;**

(2) **Compensatory Damages; \$ 500,000 ( Five Hundred Thousand Dollars )**

(3) **Punitive Damages; \$ 2,000,000 ( Two Million Dollars )**  
*see Pacific Mutual Life Insurance v. Haslip, 499 U.S. 1, 113 L. Ed. 2d 1, 111 S. Ct. 1032 (1991)*

(4) **Laboratory Corporation of America; \$ 500,000 ( Five Hundred Thousand Dollars )**

(5) **Family Support Division (Clark County, Nevada's); \$ 500,000 ( Five Hundred Thousand Dollars )**

(6) **Individual Relief; \$ 750,000 ( Seven Hundred Thousand Dollars )**  
*( Two Hundred Fifty Thousand Dollars Each Defendant )*

(7) **Injunctive Relief; Address and Change Family Support Division (Clark County, Las Vegas Nevada) and Laboratory Corporation of Americas POLICIES and PROCEDURES In the implementation of DNA TESTING.**

A. No out of Court Settlements or Non-Disclosure Agreements will be entered into for defendant's *Fraudulent DNA Consent Form Manipulation*.

B. Formal production of actions by defendant's shall be provided to any and all News agencies for redress of wrongs done by *Fraudulent* conduct of all defendants within **20 days** after Order of Court in aforementioned Civil Law Suit.

C. Any and all *Sanction, Relief* that court deems appropriate against any and all defendant's involvement in this action.

D. To return any and all information Pursuant to 41 (g) "Return of Property" *DNA*, electronically stored information and any information that was obtained at or before collection of *DNA*.

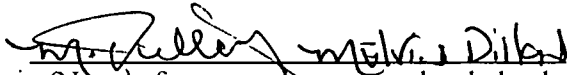
E. ORDER of the COURT to cease and desist any and all uses of *DNA* and information that was collected from plaintiff *Maurice Holmes*.

F. Produce ORIGINAL forms signed.

I understand that a false statement or answer to any question in this complaint will subject Me to penalties of perjury. ***I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.***  
*See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.*

  
***Maurice Holmes (Plaintiff)***

12-21-22  
***Date***

  
(Name of person who prepared or helped  
prepared this complaint if not Plaintiff) ***Pro Se Litigant***

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above forgoing **CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983** has been served by placing in the United States Mail postage prepaid on the 21 day of December, 2022

Addressed to:

**CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
LLOYD D. GEORGE U.S. COURTHOUSE  
333 Las Vegas Blvd. South Room 1334  
Las Vegas Nv. 89101**

Maurice Holmes #833891506  
Nevada Southern Bell  
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Rahonny, NV 89106

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Clerk, U.S. District Court  
District of Nevada  
Lloyd D. Leoree U.S. Courthouse  
333 Las Vegas Blvd. South Room 1334  
Las Vegas, NV 89101

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